CONFERENCE OF THE COMMITTEE ON DISARMAMENT

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FINAL VERBATIM RECORD OF THE FOUR HUNDRED AND FORTY-SEVENTH MEETING

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on Thursday, 30 October 1969, at 11.00 a.m.

Chairman: Mr. K. ZYBYLSKI (Poland)

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PRESENT AT THE TABLE

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	Mr. D. NATARIO
	Mr. L.F. PALMEIRA LAMPREIA
Bulgaria:	Mr. K. CHRISTOV
	Mr. I. PEINIRDJIEV
Burma:	U KYAW MIN
Canada:	Mr. G. IGNATIEFF
	Mr. R.W. CLARK
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	Mr. J. CINGROS
Ethiopia:	Mr. A. ZELLEKE
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	Mr. M. VUKOVIC
Deputy Special Representative of the Secretary-General:	Mr. W. EPSTEIN

1. The CHAIRMAN (Poland): I declare open the 447th plenary meeting of the Conference of the Committee on Disarmament.

2. Mr. LEONARD (United States of America): On 7 October the co-Chairmen tabled the text of a joint draft sea-bed treaty (CCD/269) for the consideration of this Committee. The joint text was the result of long and involved consultations between the co-Chairmen and represented, we believe, a realistic basis for broad agreement. My delegation has appreciated the thoughtful comments that have been made by the members of the Committee during its discussion of the joint text.

3. We have noticed that the major concerns raised during these discussions have been in three areas. The first is the concern that the treaty should serve to protect the security interests of all the States parties to the treaty; the second is that, while protecting these security interests, the treaty should clearly reflect that it in no way prejudices or infringes existing rights recognized under international law, except for the limitations for arms-control purposes on activities falling within the scope of the treaty; and the third concern is that the treaty should contribute to further progress in the field of arms control.

4. In the light of these concerns, a number of delegations have made specific suggestions for improving the draft of 7 October, and several members of the Committee have introduced working papers and formal documents (CCD/270, 271). The co-Chairmen have carefully considered the various suggestions and proposed amendments. As a result, we are able to present today a revised treaty text (CCD/269/Rev.1), which is now before the Committee. In view of the importance which our delegation attaches to the changes that have been made in the revised text, I should like to discuss these changes in the context of the three areas of concern to which I have referred previously.

5. First, there is the concern that the treaty should serve to protect the security interests of all the parties. We have noted the statements made recently by the delegations of Japan, the Netherlands, Italy, Sweden, Poland, Pakistan, Burma and Morocco, and the specific recommendations of the delegation of the United Kingdom (CCD/PV.444, paras. 68, 69), which have all referred to a problem regarding the status of the zone, or "gap", lying between the outer limit of the maximum contiguous zone and the outer limit of claimed territorial seas which are narrower than twelve miles.

(Mr. Leonard, United States)

It has been rightly pointed out that the treaty does not clearly indicate whether the prohibition accepted by a party in article I applies in such a gap off the coast of another party, and that such uncertainty could raise serious security questions for those States concerned.

6. To eliminate this uncertainty, article I has been amended by the addition of a new paragraph 2 which states:

> "The undertakings of paragraph 1 of this Article shall also apply within the contiguous zone referred to in paragraph 1 of this Article, except that within that zone they shall not apply to the coastal state."

This language makes clear, in view of article 24 of the Geneva Convention on the Territorial Sea and the Contiguous Zone[1/], that the prohibition of article I, paragraph 1, applies to this "gap" between the territorial sea and the outer limit of the contiguous zone for all States except, of course, the coastal State. The previous paragraph 2 of article I has been renumbered paragraph 3.

7. Another problem relating to security interests has been reflected in the comments made by the delegations of the Netherlands, Bulgaria, Czechoslovakia, Italy, Poland, Ethiopia, Mongolia, Yugoslavia and the United Arab Republic, and in the working paper submitted by the delegation of Canada (CCD/270). I refer to the question whether article III should specify the possible recourse which parties would have if there were serious unresolved questions regarding fulfilment of the obligations of the treaty.

8. Several delegations suggested that the treaty would be strengthened if it made specific reference to the existing procedures by which States can bring serious matters to the attention of the Security Council. We believe that this is an important suggestion, since it would emphasize the seriousness with which States would view possible violations of the treaty and would clearly restate the right of parties to bring such questions before the Security Council. Accordingly we have added a second sentence to article III, paragraph 3, to read as follows:

> "In the event that consultation and co-operation have not removed the doubts and there is serious question concerning the fulfilment of the obligations assumed under this Treaty, States Parties to this Treaty may, in accordance with the provisions of the Charter of the United Nations, refer the matter to the Security Council."

1/ United Nations Treaty Series, vol. 516, pp. 205 et seq.

(Mr. Leonard, United States)

9. I would like to turn now to the second major area of concern, namely that the treaty should in no way prejudice or infringe existing rights recognized under international law.

10. A number of delegations have raised the question of how the treaty envisages the application of international law, including the 1958 Convention on the Territorial Sea and the Contiguous Zone. In this context, we have noted the views expressed by several delegations regarding the application of international law to the geographical area covered by the treaty. The United States delegation has not yet commented in detail in the Committee on the geographical coverage of the treaty, and I think it would be appropriate for me to do so now.

11. There are two provisions which together delimit the area of the treaty prohibitions so as to create balanced obligations among the parties. The rules adopted for defining the treaty area are widely-accepted international standards.

12. Article I, paragraph 1, extends the treaty prohibitions to the entire sea-bed and ocean floor "beyond the maximum contiguous zone provided for in the 1958 Geneva Convention ...". The maximun seaward limit of the contiguous zone provided for in that Convention is twelve miles. Under paragraph 1 of article II of the sea-bed treaty, the outer limit of this zone will be measured from baselines drawn in accordance with the provisions of section II of part I of the 1958 Convention and "in accordance with international law". This section of the Geneva Convention contains the detailed rules which are to be used to determine the baselines from which the twelve-mile zone is measured in most situations.

13. However, the provisions of section II of the Convention expressly do not apply to certain situations, such as "historic" bays. It was for this reason that the language "and in accordance with international law" was also included in paragraph 1 of article II of the treaty. In those situations where the section II rules are expressly inapplicable under the terms of the 1958 Convention, the rules of customary international law will govern the location of the baseline for the purposes of this treaty. Thus the twelve-mile contiguous zone would be measured from the closing line across an historic bay only if the waters were enclosed as internal waters in accordance with the rules of customary international law.

14. Now I would also like to emphasize that, although the treaty relies on the 1958 territorial sea Convention to define treaty baselines and the outer limit of the exempted coastal zone, this reference in no way implies that any party to the sea-bed treaty which was not a party to the 1958 Convention would find itself bound by or, so to speak, adhering to that Convention.

(Mr. Leonard, United States)

In other words, a party to the sea-bed treaty would accept only that the outer limits of the zone exempted from the prohibitions of the sea-bed treaty should be measured in accordance with certain rules in section II of the 1958 Convention. Therefore a party to the sea-bed treaty would not be accepting those 1958 rules for any purpose other than that of determining where the sea-bed arms-control treaty applied.

15. There is one other point I should like to touch upon in this connexion. That is the question of disputes regarding rights, claims and recognition or non-recognition of rights or claims affecting the law of the sea. As we all know, there are differing positions among States regarding, for example, such matters as the proper breadth of the territorial sea. I may state unequivocally that it is not the purpose of this treaty to settle such matters; nor is it the purpose of the treaty to give one State or another State or any group of States an advantage vis-à-vis any other State or group of States with respect to law-of-the-sea issues. That is why article II, paragraph 2, contains the best disclaimer clause that it has been possible for the authors of this draft to devise.

16. It would indeed be most regrettable if any countries considering this sea-bed treaty were to fail to accept the disclaimer clause as meaning just what it says. We are convinced that it is possible to negotiate and conclude a sea-bed treaty which establishes meaningful arms limitations but does not prejudice any State's position regarding law-of-the-sea questions. The disclaimer clause would in effect prevent any party from saying to any other party that acceptance of the treaty or any actions under it had somehow created or implied an acceptance of new or different positions regarding the law of the sea, except for the limitations for arms-control purposes created by the treaty itself. With that in mind I trust that it will be possible to refer in this treaty to "the freedoms of the high seas" without establishing or implying the precise boundary for the limits of the high seas.

17. I should like now to discuss the third major area of concern: that the treaty should contribute to further progress in the field of arms control. That concern has found expression in a number of proposals which I should like to discuss separately.

18. First there is the idea, supported by the delegations of Canada, the Netherlands, Bulgaria, Czechoslovakia, the United Kingdom, Hungary, India, Brazil, Ethiopia,

(Mr. Leonard, United States)

Mongolia, Pakistan, Argentina, Burma, the United Arab Republic and Nigeria, that the treaty should provide for a review conference as envisaged in the 22 May draft submitted by the United States (ENDC/249, article V). As has been pointed out, such a conference would review the operation of the treaty with a view to ensuring that the purposes of the preamble and the provisions of the treaty were being realized. At the same time the conference would provide an opportunity to consider the effect of technological or other changes on the operation of the treaty, and whether it would be appropriate to expand its scope.

19. In this connexion I should like to refer to the draft amendment submitted by the representative of Sweden (CCD/271) which in an operative paragraph would commit parties to continuing negotiations in good faith on further measures relating to a more comprehensive prohibition of the use for military purposes of the sea-bed. It has been argued that this suggested amendment would provide an additional incentive to the parties to continue negotiations towards further measures to prevent an arms race on the sea-bed. The United States has made it clear in its statements that it considers the present draft treaty as a possible first step towards other arms-control measures. That belief was reflected in the third and fourth preambular paragraphs of the joint draft of 7 October.

20. We have also stated that the present state of sea-bed technology and verification capabilities calls for a realistic measure at this time which may be reviewed later as those capabilities increase. Being committed to that principle, we have examined the various suggestions for incorporating the principle into the revised draft. After careful consideration we have concluded that provision for a review conference, when considered in conjunction with the third preambular paragraph, would provide effective and appropriate assurances. We believe that if the parties commit themselves to review the treaty after a specified period of time -- that is, five years after its entry into force -- we shall eliminate the possibility that a review might be postponed or delayed indefinitely as a result of unforeseen political circumstances. Accordingly we have included in the revised draft a new article V which provides for a review conference five years after the treaty has entered into force. The language of the article is as follows:

(Mr. Leonard, United States)

"Five years after the entry into force of this Treaty, a conference of Parties to the Treaty shall be held in Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that the purposes of the Preamble and the provisions of the Treaty are being realized. Such review shall take into account any relevant technological developments. The review conference shall determine in accordance with the views of a majority of those Parties attending whether and when an additional review conference shall be convened."

21. Another aspect of the concern that the treaty should be a flexible instrument relates to the procedure for amendment. We have reviewed that question, and it seems to us that a procedure by which all parties would have an equal voice in deciding which amendments should be included in the treaty would provide for a more flexible treaty. Accordingly we have included in the revised draft a new article IV based on the amendments article of the outer-space Treaty (General Assembly resolution 2222 (XXI), Annex). The article reads as follows:

"Any State Party to the Treaty may propose amendments to this Treaty. Amendments shall enter into force for each State Party to the Treaty accepting the amendments upon their acceptance by a majority of the States Parties to the Treaty and thereafter for each remaining State Party on the date of acceptance by it."

22. The United States delegation believes that the new treaty provisions which the co-Chairmen are recommending today are another major step in the negotiation of a sea-bed treaty. For this progress we are greatly indebted to the members of this Committee, whose constructive comments have contributed significantly to the revised text. For our part we shall continue to study carefully all the comments that have been made in the Committee, including those made in the last few days; and we shall have those comments very much in mind when we are continuing our work in the General Assembly. The General Assembly will, of course, wish to consider this text carefully, and in our view it might be possible to decide at a later date whether any future modifications should be incorporated in response to the desires of the international community.

23. Mr. ROSHCHIN (Union of Soviet Socialist Republics) (translation from Russian): The discussion in this Committee of the draft treaty on the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed and ocean floor and in the subsoil thereof, submitted by the Soviet Union and the United States on 7 October 1969 (CCD/269), has shown that there is a wide understanding of the importance and timeliness of the exclusion of the vast expanse of the sea-bed from the sphere of the arms race. That task is indeed becoming particularly urgent now that the practical exploration of the sea-bed is beginning and the danger arises that this new field of human activity will be used not in the interests of peace but for military purposes.

24. The fruitful and constructive discussion which took place in the Committee shows that the submitted draft, which was drawn up, as is well known, with due regard to the views and positions of many delegations, was favourably received by members of the Committee, who approved its basic provisions. During the discussion a number of interesting considerations and proposals were put forward which constituted a definite contribution to the elaboration of the draft treaty on the sea-bed.

25. The co-Chairmen have carefully studied all the comments, additions and amendments to the draft sea-bed treaty put forward in the Committee. In analysing these views of the various delegations we naturally took as our criterion the extent to which they would contribute to the effective solution of the problem of prohibiting the emplacement on the sea-bed of nuclear and other weapons of mass destruction.

26. As the United States co-Chairman has already stated, the Soviet Union and the United States are today submitting for the consideration of the Committee on Disarmament a revised draft treaty (CCD/269/Rev.1) which contains a number of substantial additions and modifications taking into account the views expressed by many members of the Committee during the discussion of the draft submitted by the Soviet Union and the United States on 7 October. Allow me to explain briefly the modifications made in the draft treaty.

27. As has already been pointed out, many delegations paid a great deal of attention to the question of verification of observance of the treaty. This problem is of no little importance, because the parties to the treaty are naturally concerned

(Mr. Roshchin, USSR)

to have confidence that the treaty is being strictly observed. In our opinion the verification system provided for in the draft treaty of 7 October is sufficiently reliable. Nevertheless, we have carefully examined all suggestions to amend the provision on control, and in evaluating them we have been guided by the need that the system of control should be both effective and realistic.

28. As has already been pointed out, many delegations -- the delegations of Bulgaria, Czechoslovakia, the Netherlands, Brazil, Canada and a number of others -- proposed that there should be provision for a procedure to settle disputes in case consultations between parties to the treaty failed to remove doubts as to its observance; namely, that such disputes should be referred to the Security Council. We have adopted this proposal, and the resulting wording of paragraph 3 of article III has been read out by the United States representative. However, since the proposals introduced by us are of great importance, I shall read it again. It is as follows:

> "The States Parties to the Treaty undertake to consult and co-operate with a view to removing doubts concerning the fulfilment of the obligations assumed under this Treaty."

Then comes the addition which was accepted:

> "In the event that consultation and co-operation have not removed the doubts and there is serious question concerning the fulfilment of the obligations assumed under this Treaty, States Parties to this Treaty may, in accordance with the provisions of the Charter of the United Nations, refer the matter to the Security Council."

29. Almost all members of the Committee have suggested that, like the non-proliferation Treaty (ENDC/226*), the treaty on the sea-bed should provide for the possibility of reviewing in the future at a special conference of its parties the question of how the treaty is operating, taking into account the progress of technology in the exploration of the sea-bed and the ocean floor and the subsoil thereof. That suggestion has also been accepted by the co-Chairmen. The corresponding new article V of the treaty, which has already been read out but which I shall take the liberty of repeating in view of the importance of the question we are considering in this case, reads as follows:

(Mr. Roshchin, USSR)

"Five years after the entry into force of this Treaty, a conference of Parties to the Treaty shall be held in Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that the purposes of the Preamble and the provisions of the Treaty are being realized. The review conference shall determine in accordance with the views of a majority of those Parties attending whether and when an additional review conference shall be convened."

30. The co-Chairman also considered the question, raised by Sweden, Japan, the United Kingdom and other members of the Committee, of a more precise definition of the area to be covered by the treaty so that no doubts may arise whether the treaty prohibits the emplacement by its parties of nuclear weapons and other weapons of mass destruction within the twelve-mile contiguous zone of other States whose territorial waters are less than twelve miles wide. In our opinion the new paragraph 2 of article I proposed by us should completely remove any doubts in this respect. This new paragraph -- I shall again take the liberty of repeating it although it has already been read out by the United States representative -- reads as follows:

"The undertakings of paragraph 1 of this Article shall also apply within the contiguous zone referred to in paragraph 1 of this Article, except that within that zone they shall not apply to the coastal state."

31. As already mentioned by the previous speaker, the co-Chairmen have also taken into account the desire of many States members of the Committee that the right of veto of the nuclear Powers should be excluded from the article concerning the procedure for the adoption of amendments to the treaty. I am referring to article IV. This article is now worded in the same way as the corresponding article in the outer-space Treaty, in accordance with the wishes expressed and the suggestions made by a number of delegations during the discussion of 7 October on the draft treaty on the sea-bed. I shall once more take the liberty of reading out the new text of article IV:

"Any State Party to the Treaty may propose amendments to this Treaty. Amendments shall enter into force for each State Party to the Treaty accepting the amendments upon their acceptance by a majority of the States Parties to the Treaty and thereafter for each remaining State Party on the date of acceptance by it."

(Mr. Roshchin, USSR)

32. Those are the modifications which have been introduced into the draft treaty. We hope that these amendments, which take into account the suggestions of the participants in our negotiations, will receive their support and approval. The draft treaty on the sea-bed is the result of negotiations carried out within the framework of our Committee over many months. We hope, therefore, that the Committee will submit the draft treaty put forward here today to the United Nations General Assembly.

33. The drafting of the sea-bed treaty will constitute a further contribution to the solution of the problem of narrowing the sphere of the arms race. This new agreement will undoubtedly contribute to the creation of more favourable conditions for preparing and implementing further measures aimed at stopping the arms race and achieving disarmament. At the same time it is a necessary prerequisite for the development of international co-operation in exploring the sea-bed and ocean floor for peaceful purposes.

34. Permit me now to make a comment in connexion with the considerations put forward by the delegation of the United States in its statement this morning regarding the method of calculating the outer limit of the twelve-mile contiguous zone. I should like to say that the Soviet Union reserves its right to express its views on this subject later on.

35. Mr. IGNATIEFF (Canada): In the light of the very tight timetable to which this Committee is now operating, I trust that my colleagues will bear with me if I offer some preliminary comments on the revised text of the co-Chairmen's draft sea-bed treaty (CCD/269/Rev.1) which has just been submitted and which, with its accompanying explanations, I must admit at first reading is not altogether unfamiliar to me.

36. We have already had occasion to welcome the co-Chairmen's original draft treaty on the sea-bed (CCD/269) as an important step towards restraining the extension of the nuclear arms race to this environment, a matter of especial importance to countries like Canada with extensive coastlines and continental shelves.

37. Even if the treaty can be considered to be a type of self-denying ordinance by the two main nuclear Powers in regard to the emplacement of nuclear weapons and weapons of mass destruction on the sea-bed, it should not be discounted any more than should the efforts of the co-Chairmen to find ways so promptly to improve their own draft in response to some of the views expressed in this Committee.

(Mr. Ignatieff, Canada)

38. These new proposals are particularly to be welcomed where they offer a constructive and -- to use the words of one of our co-Chairmen -- substantial response to the criticisms expressed in this Committee by several delegations, including the Canadian delegation, that the earlier joint draft, in failing to provide for a review conference and insisting on the power of veto over amendments, showed signs of being too static in relation to the momentum of technology and the necessity of providing for adaptation. We welcome these changes.

39. With reference to other particular amendments, we have taken note of the proposed amendment to paragraph 2 of article I, which is designed to eliminate the so-called "gap". In fact, we should have preferred the very simple and deft solution for the "gap" problem proposed by the United Kingdom representative, Lord Chalfont, on 21 October (CCD/PV.444, paras. 68, 69). I might say that as a nation claiming a territorial sea of three miles Canada has a particular interest in an amendment along these lines, which would ensure that no other party could install within Canada's nine-mile contiguous zone items prohibited under the first paragraph of this article.

40. I recognize that the problem of the "gap" was originally drawn to the attention of this Committee by the representative of Sweden (ENDC/PV.405, paras. 78, 79). I might at the same time express our regret that the co-Chairmen have not seen fit to accept another suggestion by the Swedish delegation which would commit the Parties to the treaty -- in its operative as distinct from its preambular section -- to continue negotiations on arms-control measures for the sea-bed, which we support. (CCD/PV.443, paras. 8-12).

41. The revised wording for article IV removing the veto power over amendments to the treaty, and the provision for a review conference, also represent amendments which in our view constitute substantial improvements to the draft treaty; although with respect to the latter we should have preferred a specific reference to the role of the review conference in relation to verification techniques.

42. I wish, however, that on the article of primary importance to Canada and to the majority of the members of the Committee the co-Chairmen had found it possible to be more responsive. I refer of course to the subject of verification, including particularly the protection of the rights of coastal States. In submitting certain comments on this subject earlier, I offered that I called a check-list of procedures to help to clarify just what the "right to verify" in the draft of the co-Chairmen might really mean (CCD/270). Several delegations have been most generous in putting this check-list to good use, and I should like to extend to them the grateful thanks

(Mr. Ignatieff, Canada)

of the Canadian delegation for their interest and support. I am afraid that the co-Chairmen have been more sparing and selective in the use to which they have put this check-list. In fact the reference in the revised text to the idea that governments "may" have recourse to the Security Council in the event that they are unable to resolve the question of a disputed installation on the sea-bed does not seem to me to give adequate recognition to a right which nations already have under the Charter.

43. Canada has consistently put forward the view that verification procedures must be devised which would guarantee the legal right of all States parties to the treaty to initiate the verification process and to obtain assistance if necessary. This should ensure that States fearing the existence of threatening installations would be able to invoke international arrangements through which they could be assured that the prohibition provisions of the treaty were not being violated. We have argued that ultimately -- and I stress the word ultimately -- only close physical inspection, if necessary with the help of States with advanced nuclear capabilities, will offer any adequate assurance of effective verification.

44. The necessity for such procedures in the verification process naturally led to concern on a fundamental issue, that there be provision in the treaty to ensure that in carrying out verification on the continental shelf any State party would take fully into account the rights and interests of the coastal State in activities on its shelf. We consider that the coastal State has the unrestricted right to verify activities of other States on its -- I emphasize "its" -- continental shelf, and that any provision for verification of the coastal State's own activities on its shelf must recognize the coastal State's right to be notified of and associated with such verification. At the very least, the treaty must not detract from such rights or appear to do so. We do not consider that the disclaimer clause in the second paragraph of article 2 adequately covers this consideration.

45. In the Canadian view, the co-Chairmen's revised draft, therefore, while containing welcome improvements in the area of verification, does not adequately meet the concerns which we put forward and which have been echoed by a large number of the members of this Committee. We have not, however, given up hope that a meeting of minds may be arrived at if we pursue efforts to understand each other's problems in this important field; and, given the apparent willingness of the co-Chairmen to take into account the views and suggestions of members of the Committee, as reflected in the draft put before us this morning, we are convinced that satisfactory provisions can be negotiated. While reacting with reserve, therefore, to the provisions in the co-Chairmen's draft which deal with the verification, the Canadian delegation pledges its co-operation with everyone in trying to reach a formula which will be generally acceptable.

(Mr. Ignatieff, Canada)

46. In presenting the revised draft the representative of the United States described it as "another major step in the negotiation of a sea-bed treaty". He also said:

> "The General Assembly will, of course, wish to consider this text carefully and in our view it might be possible to decide at a later date whether any future modifications should be incorporated in response to the desires of the international community." (supra, para. 22).

As the co-Chairmen's revised draft treaty has been presented to the Committee only in the last hours of the present session of this Conference, this, I suggest, is only a realistic as well as a constructive approach. I am assuming, therefore, that more detailed consideration of the text will now be continued at the United Nations General Assembly and especially in the First Committee thereof, and that this fact will be adequately reflected in the final report of the Committee, which I take it we shall be discussing later.

47. Mr. CARACCIOLO (Italy)(translation from French): Allow me to make a few brief comments on the revised text of the draft treaty on the denuclearization of the sea-bed and the ocean floor (CCD/269/Rev.1) which has been submitted to us today. On behalf of my delegation I should like first of all to congratulate the co-Chairmen upon their new effort, even though this has not yet led to the result for which the statements made by numerous speakers allowed us to hope. I should like nevertheless to comment on certain positive points which have obviously been included in the new text to meet the legitimate concerns emphasized by a number of delegations.

48. Thus it seems to us that the sentence introduced in paragraph 2 of article 1 is intended to meet the requirements of the sovereign rights of States within the twelve-mile zone and to specify them clearly. These requirements concern in particular the States which have a territorial sea less than twelve miles in extent. Nevertheless, I venture to point out in passing that the formula suggested by the representative of the United Kingdom in his statement on 21 October (CCD/444, paras. 68, 69) would, in our opinion, have met the same requirement in a still simpler and clearer manner.

49. Furthermore, we have welcomed with satisfaction the new wording of article IV which would abolish the right of veto by the nuclear Powers. This is a point which I particularly stressed in my statement on 9 October (CCD/PV.441, paras. 45, 46), and I am glad to note that our views and those of other delegations which have made similar comments have been accepted.

50. Having said that, it seems to us that on other specific points the amendments introduced are clearly insufficient. Thus we note first the absence of a rule reaffirming clearly and specifically the rights of coastal States over their continental

(Mr. Caracciolo, Italy)

shelf. A rule of this kind would, in our opinion, have found its natural place in article III concerning verification. On this subject, permit me to point out that the distinction between simple observation and the procedures of observation made in the Canadian working paper of 8 October (CCD/270), seems to us very pertinent. In fact, we cannot rule out that, in certain cases where it would be necessary to carry out such operations, it would be opportune to envisage special procedures which, without infringing the freedom of the high seas, would nevertheless take account of the rights of coastal States over their continental shelf.

51. Secondly, we remain convinced that the intervention of the Secretary-General of the United Nations in the verification mechanism, even though unaccompanied by a corresponding obligation on the technologically advanced States, could be useful as the expression, even if embryonic, of an international procedure. Consequently, we believe it necessary to adopt the provision suggested in the working paper of the Canadian delegation, which actually provides for recourse to the Secretary-General.

52. Lastly, I wish to make a more general comment. We cannot fully support the idea that every treaty entails different control requirements and that therefore the same provisions cannot be adopted in each case. We think, on the contrary, that similar criteria are desirable in order to avoid any imbalance. While it is true that no verification procedure can ever give entirely satisfactory results, it is also true that the level of confidence should be the same for all treaties and not higher for one particular treaty -- for example, the non-proliferation Treaty (ENDC/226*) -- and lower for another. Indeed, if it is thought that for a treaty on the denuclearization of the sea-bed a lower level of confidence is sufficient, then we shall necessarily be obliged to take account of that difference in evaluation when we come to negotiate other treaties.

53. I wish to end my statement on that specific point by saying that we have noted with interest the last sentences with which the United States representative ended his statement this morning. We, too, hope that as a result of forthcoming discussions in the First Committee in New York it will be possible to achieve a final text which will be universally accepted.

54. Since I do not think that I shall have many other opportunities of speaking during this session, I should like to take this opportunity of mentioning another problem which has very recently engaged the attention of my Government. Obviously we realize, like all other delegations, that the treaty on the denuclearization of the sea-bed will not be the only problem to be debated in the First Committee in connexion with disarmament. Many other problems which have been given serious study during this

(Mr. Caracciolo, Italy)

session will no doubt be discussed thoroughly in New York. Among them the problem of chemical and bacteriological weapons will no doubt have a special place. The Italian Government has followed with great attention the discussions on that subject in the Committee, and has carried out a very thorough evaluation of the problem with the specific aim of studying the possibilities of strengthening the Geneva Protocol of 1925 (A/7575, p. 117). The fact of the impending conclusion of our work here in Geneva prevents me from resuming discussion of that subject. However, the Italian delegation reserves the right to refer to it more fully during the forthcoming debate in the United Nations General Assembly.

55. Mr. FRAZAO (Brazil)(translation from French): I should like to be informed, if possible, of the programme of work of the Committee for today and tomorrow. I may have some comments to make on the draft treaty circulated to the Committee today (CCD/269/Rev.1), and I should not like to improvise them, because I believe that a statement on this subject should be well thought out. At any rate, I should like to be assured that, if the Brazilian delegation deems it necessary to speak again on the subject, it will be able to do so. My delegation -- unlike other delegations, apparently -- was not aware of the changes in the earlier joint draft proposed by the co-Chairmen. As I have already said, in view of the nature and the importance of the positions that we have taken in earlier statements, it seems to me quite natural that, having listened most attentively to the statements that have been made, we should have not only a few minutes but at least a few hours to study the draft. My specific question is, therefore, what is the programme of work proposed for today and tomorrow?

56. The CHAIRMAN (Poland): Would either of the co-Chairmen care to reply to the question just raised by the representative of Brazil?

57. Mr. ROSHCHIN (Union of Soviet Socialist Republics)(translation from Russian): If the members of the Committee deemed it appropriate, a second meeting could be held today at a convenient time, in particular in order to give them the opportunity of thoroughly acquainting themselves with the revised text. The next meeting could be held, for instance, at five o'clock this afternoon. In the light of the work that could be done at today's second meeting, it would then be possible to decide on the subsequent work of the Committee. Perhaps some members would like to have yet another evening meeting at a convenient time, for instance at nine o'clock; or perhaps some members would like to hold a meeting tomorrow. In that way all the proposals and wishes relating to organization would enable us, on the one hand, to consider in a normal way the draft treaty now submitted in its revised version, and on the other hand to discuss and adopt the Committee's final report to the General Assembly, which will be circulated, we hope, in about an hour's time.

(Mr. Roshchin, USSR)

58. Those are the considerations which we should like to suggest provisionally for the consideration of the Committee, bearing in mind that we ought to choose such a procedure as would best meet the interests of the correct, normal and orderly completion of the work of this session of the Committee, as well as the work of the Committee in the current year 1969.

59. Mr. LEONARD (United States of America): I have nothing to add to what my co-Chairman has said, which has covered the subject very well. I would only say that it might be appropriate, if the Committee were to accept the suggestion of a meeting at five o'clock this afternoon, if delegations which had ideas as to whether they would wish to have a meeting this evening or a meeting tomorrow would let the co-Chairmen know, so that they might plan the work of the Committee in the most appropriate way to meet the requirements of its members.

60. Mr. PORTER (United Kingdom): I should first like to thank the co-Chairmen and the Secretariat for the work they must have put in during the past twelve hours so that this revised draft treaty could be made available to us. I am glad to see that many of the views and preoccupations expressed around this table have now been taken into account. My comments this morning will be preliminary and therefore very brief.

61. We welcome the fact that most, though we note not all, of the suggestions which Lord Chalfont made at our meeting on 21 October (CCD/PV.444, paras. 63-79) seem to have been adopted. The gap in article I has now been closed, although the formula chosen is not the one we suggested and would have preferred. A sentence has been added to paragraph 3 of article III which makes specific reference to possible recourse to the Security Council. We are also very glad to see that, as we, a nuclear Power, suggested, the nuclear veto has been dropped from article IV on amendments to the treaty. Finally, there is now provision in a new article V for a review conference, to which we attach great importance, particularly in the verification context. These changes, in our view, are all improvements which will contribute towards broad agreement on the treaty by the international community.

62. May I just add on the question of procedure that I wonder whether it would be possible to have a meeting a little earlier this afternoon instead of at five o'clock? It is just a suggestion, so that we may have more time for discussion. I assume that at the same time we can discuss the revised report.

63. Mr. KHALLAF (United Arab Republics): At our meeting on 23 October I put before the Committee (CCD/PV.445, paras. 109 et seq.) the views of my delegation on the draft treaty on the sea-bed. Owing to shortage of time the two co-Chairmen have not been able -- as I can well understand -- to make any comments on those views. We now have before us the revised draft treaty and we have heard the comments on it of the two co-Chairmen.

64. I must say that my delegation is grateful to the co-Chairmen for the efforts they have made in this repsect. A very quick glance at the draft treaty makes me think that a few of the wishes expressed by us are met in the new draft but several others are not. My delegation might wish to make some further comments on the new draft, but I do not think we shall be able to comment thoroughly on the revised text because of lack of time. I am sure that is the case for many delegations and perhaps for the Committee as a whole. The Committee intends, in principle at least, to wind up its work today, and it will be impossible for delegations in the next few hours to express their views on the new draft. That is why we take it for granted that this is not the last stage of our discussion in this respect and that, as was explicitly mentioned by Mr. Leonard, the door is open for the continuation of discussions and possible amendments before the draft report is placed before the General Assembly. That is our understanding of the situation, and I thought it would be useful to say so clearly in the Committee today.

65. Mr. IGNATIEFF (Canada): I wish to speak only on the question of procedure. I naturally welcome the suggestion of the co-Chairmen that the Committee should be given the opportunity to discuss further the draft treaty in its revised form. They have proposed that the Committee should meet at five o'clock, which would be acceptable to us.

66. I understood that the Soviet representative said that a draft of the final report would be circulated some time today. I should like to take this opportunity of associating myself with the remarks made by the United Kingdom representative when he congratulated the Secretariat. I commiserate with them on the effort they have had to make in the last few hours of the Conference.

67. I should like to put a specific question to the co-Chairmen. Assuming that we are given a draft of the final report incorporating the draft treaty which they have submitted today, when will this Committee on Disarmament have a chance to review and comment on the final report as a whole?

68. Mr. ROSHCHIN (Union of Soviet Socialist Republics)(translation from Russian): The most appropriate procedure would be to convene a meeting at five o'clock. By that time and before the beginning of the meeting a draft of the full report will have been circulated. At five o'clock we can have a preliminary discussion of that document and of the revised draft treaty on the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction which has been submitted today. In the light of the work done by the Committee at the second meeting today it will be possible to settle the question of the further work of our Committee. To decide in advance now when the final meeting will take place and at which meeting the final opinion of the members of the Committee will be expressed would perhaps be meaningless.

69. Mr. IGNATIEFF (Canada): I thank the representative of the Soviet Union for the explanation he has given as co-Chairman. I quite agree it is unprofitable at this hour to decide when we are to have our final meeting; but I would also suggest that it is equally unprofitable to assume that the final report will be approved during the course of our meeting today; because we must look at the final report in relation to the amendments suggested at our previous discussion as well as those which have been made at this meeting. I for one wish to give notice that I shall have some amendments to suggest.

The Conference decided to issue the following communiqué:

"The Conference of the Committee on Disarmament today held its 447th plenary meeting in the Palais des Nations, Geneva, under the chairmanship of Mr. Kazimierz Zybylski, representative of Poland.

"Statements were made by the representatives of the United States of America, the Union of Soviet Socialist Republics, Canada, Italy, Brazil, the United Kingdom and the United Arab Republic.

"The delegations of the Union of Soviet Socialist Republics and the United States of America submitted a revised draft treaty on the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed and the ocean floor and in the subsoil thereof (CCD/269/Rev.1).

"The next meeting of the Conference will be held on Thursday, 30 October 1969, at 5 p.m."

The meeting rose at 12.20 p.m.